SECTION THREE

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ON SENTENCE DAY.

By Josiah Flynt and Francis Walton.

SOME had waited nearly a year, others for several months, others for but a few weeks. The jail was old, and inside and outside looked much as it did in 1840, when it was built. Tramps liked it on account of the roomy corrider, where they were permitted to lounge in the daytime, and because the prisoners cooked their own food. The raw materials for the meals were passed into the jail through a little window in an iron door, and the men took turns in cooking. The cells were placed above the corrider, and at night the sheriff came and locked us in until morning. We numbered, all told, nineteen men and boys, sixteen of whom were court prisoners who had stood their trials and were waiting for their sentences. The remaining three, including Ruderick McKlowd and myself, had had their punishment meted out to them by the wisdom of the local magistrate, and were serving it out then and there.

Ruderick and I had been unfortunate enough to fall asleep in a boxcar in the local railroad yards, and the magistrate before whom we were brought had been inspired to make an example of us. "I want you men to learn to sleep where civilized people sleep," he explained. "It is possible that you need a little training to get into the habit again, and I shall send you over to the sheriff for a month. If you behave yourselves you will find him an agreeable host." We behaved ourselves, and found the sheriff an agreeable host; but he took the most interest in what he called the "transients"—the men whom Justice had weighed in her balance and found wanting to a degree which she had not yet taken off her bandage accurately to ascertain. They presented a subject of speculation and mystery which we did not, and in return for the interest they gave him the sheriff offered them gruff little courtesies, which, he hoped, would help somewhat to keep their minds off their coming ordeal. Some of them were culprits of long standing, men who had taken their "stretchers," as they called their terms in prison, regularly and without flinching; but none of them knew what his next "stretcher" was to be. Some of them were lads sure to go to the reform school, and all of them, men and lads, were to retire from the world for a certain period—but how long? The limit that each of them could get was well known, but no one believed that he deserved or would get the limit.

Prisoners the world over feel that the fact that they have been caught at all is a punishment, and justifies them in expecting a compromise with the judge who is to sentence them. If detection itself is a punishment, any further discipline ought to be measured according to the disappointment and chagrin which the detection has cost. This is irrational, but all men are irrational according to their opoprtunities. It was the uncertainty as to how far Justice, in the person of the "old man," would be willing to compromise on this basis that kept the men on a strain. Morning, noon and night the constant word was: What will the "old man" do? The first thing we heard even before the sheriff had let us out for the day was the call from cell to cell of the men to be sentenced that they were twelve hours nearer the appointed time. Even during the night mutterings reached Ruderick and me from the men who had been waiting longest. One night we heard an old man of seventy, who might have been the grandfather of nearly all of us, cry out in his sleep: "Make it a year, judge; just an even year!" And he threw into the words all the pleading and pathos that he could have commanded had he been awake.

At last the morning came when Justice was to take off her bandage, and the sheriff told his wards that they must hold themselves ready to go to the courtroom at any moment. He was not sure himself of the exact time when his honor would call for them, but he cautioned them to be quick in responding when it came. Every one rushed to his cell to get his clothes in order. "Want the old man to see me in my best," one said, and the others followed him up to the cell gallery and began to overhaul their scanty supply of "togs." They discussed the merits of a patched waistcoat or a frayed necktie as women do the most delicate finery. "How'd you think th' old man'll like this?" a man called "Bony" said, holding up a coat.

"Get it sterilized, Bony; it's full of graybacks. Th' old man'll give you de limit if they get to paradin' around the courtroom," another remarked, not untruthfully.

"How'd you'se think this white rag'll take?" queried still another, dubbed "Jet Eyes," exhibiting a "boiled" shirt which he had kept under his pillow for weeks for fear it would be "swiped."

"Keep it to swing in, Sammy," advised his cellmate. "It's too good jus' to get two years in. Put it in a safety vault till croakin' time comes."

In an hour they had all put on their best, and a dress rehearsal in the corrider was in order. One of the oldest prisoners was appointed judge, and the men lined up in front of him. This was play, and in a measure comedy, but not wholly so. The culprits expected to catch from the mock judge and the mock sentence some omen of what their fate was to be. The judge carried off his part with impressive dignity and severe eyebrow. He had borrowed a clean collar and a sky-blue necktie for the occasion; he had absolutely refused to officiate except in costume. The men practiced attitude and gestures, which they expected to use with effect later in the day.

"Hungry," he said, in a voice which was proper to the majesty of the law, to the man at the head of the line, "you was caught in de act, wasn't you? Now, that means bunglin'. Blokes what knows their business don't get pinched in de act. But you'se gettin' old, Hungry. We all know that. You must be nearly fifty. De law says that for what you done I ough' to give you fifteen years; but I don't b'lieve you'll last that long. You'se got so many diseases you'se goin' to croak before a great while. Now, it ain't right to give a man life for bunglin', an' that's what it 'ud be if I gave you what de law says. I'm goin' to be square with you; I'm goin' to give you a chanst to die outside. You'se good for about two years yet, 'f you take care o' yourself, so I sentence you, Hungry, to eighteen months to de penitentiary."

"Thank ye' yer honor," said Hnugry, bowing awkwardly.

A faint murmur of approval and applause arose in the audience.

"Silence in de court!" cried Rhadamanthus, with truculent majesty. "Bring up de next prisoner."

He was a boy of eighteen, called "Eddie," who had been convicted, in company with an older companion, of burglary.

"Kid," the mock judge went on, "you'se started out too fast. You'se too young to do climin'. If I sent you to de penitentiary you'd learn a good deal; but you'd get your head turned talkin' with de men, an' you'd tackle too big jobs for your years an' execute an' bungled a bit for myself. The jail was over in Pennsylvania and one day the sheriff brought in a young fellow who'd been bound over for bitin' off more'n he could chew, which is grand larceny. They caught him red-handed. He was a nice, plucky-lookin' little chap, an' I saw right away 't he was new to the business. He didn't have much of a story to tell at the time; p'r'aps that was why he wouldn't tell it. I found out later, however, that his father was a swell lawyer over in Michigan, an' his people had sent him to a boarding school, an' he'd mooched. His money gave out, an' he done the touch, or tried to do it, to get some dough. He was not quite seventeen then, a tenderfoot as far as you could see him. He'd been with the hoboes a little before he got pinched, and knew some o' their lingo; but jus' the way he shaped up an' asked us all when he first came in what we was 'shut up' for was enough to put us next.

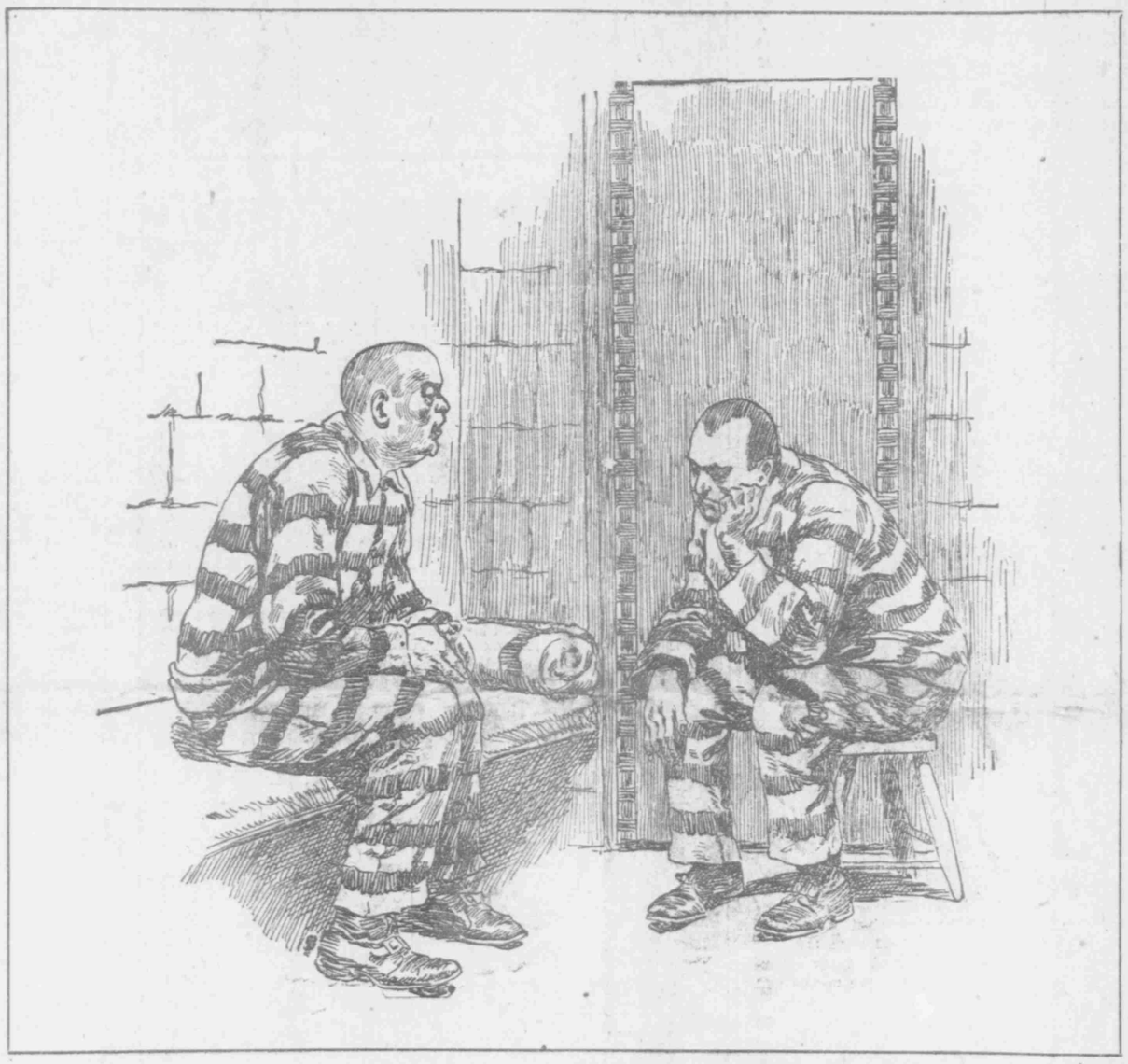
"Well, I liked him just 'cause he was a tenderfoot. Wise kids is interestin' an' all that, but you don't always like 'em, just as you don't always like wise blokes. It takes all kinds o' people to make the crooks' world, an' there's been tenderfeet 't I've liked better'n anybody else. I forgot what the Kid told me his name was—prob'ly didn't remember to give me the right one, anyhow—but I jus' called 'im the Kid. I call him that still, but I guess I'm the only one that does it. He's a pretty big stiff today, an' everybody can't slap 'im on the back. It sort o' brought 'im up, you know, an' he ain't one o' them that forgets things—except his name.

"'Course, I'm proud 't he's turned out a fly bloke, but things was different when I first got to chewin' th' rag with him in that jail. I tried to persuade him to go home. I told him to write to his gov'nor an' get the thing fixed up. I can't tell you exactly why I done it, but it's God's truth that even now—an' I ain't no chicken; passed my forty-eighth birthday last month—yes, sir, even now I hate to see a kid who's been brought up decent hit the road. With me 't was different. Both my old folks was crooks, an' I never had a home, anyhow. Stealin' came natural to me, an' Chicago, where I was born, made me wise. If a man's got a bent for swipin', Chicago'll tell him how to get his graft in. You know that as well as I do. New York ain't no saint, neither—some mighty good thieves have come out o' that town—but if a kid is lookin' for a place to get dead wise, let him railroad for dear old Chi. I like the place, God knows, but it's crooked—crooked as a fish-hook.

"Well, this kid't I'm tellin' you about, he listened to me all right; but he wouldn't write his gov'nor. He was stucq on himself—see—an' right, too; I wouldn't have the gov'nor find me here,' he says, 'f I had to take ten years in the pen.' Well, I didn't know anythin' better'n to tell him to ask the judge to send him to the Ref. I know what the Ref is as well as the next bloke; I know that it's where a lot of kids gets wise. Old Fraxy, when he was makin' believe sentencin' Eddie a few minutes ago he told the truth. The Ref's the place where the thief goes through his 'prenticeship. Jus' the same, I'd rather see a kid o' mine take his chances in the Ref than in the pen, an' I gave it to that kid straight. I told him what he'd find at the Ref, an' what he wanted to steer clear of, an' then I explained to him how he could get a mooch on an' give the shop the slip. He was a nervy kid, an' there's mighty few Refs 't a nervy kid need stop in if he's got a hankerin' for the open. W'y they had me in a Ref when I was twelve years old, an' I didn't stay there a week. They got me back after awhile, but I mooched again, an' they're lookin' for me yet.

"Well, the judge he gave the Kid what I told him to ask for. I'd explained to the Kid how he wanted to put his plea when the judge asked him if he had anythin' to say why the court shouldn't pronounce sentence upon him, an' he got off his song an' dance all right. I can hear the Kid now when he came back to the jail. He came up to me an' said: 'Ruderick, if I can beat that school, I'm goin' home to the gov'nor. You've done me a good turn, do you know it?' 'Course I jollied him along a little an' told him not to get too Sunday-schooly all of a sudden when he got home, an' the next day the sheriff took him away. An' for the next three years Ruderick McKlowd used to pat himself on the back every now an' then when he thought o' the Kid. I pictured him at home, you know, livin' with his gov'nor, goin' to school, fallin' in love with nice girls, an' gettin' to be one o' the town's promisin' young men. I had to do a bit in the pen about eighteen months after the Kid was sent to the ref, an' whenever I'd get real down in the mouth like about thelatter end o' things an' what's what, I used to say to myself: 'Well, Ruderick, you did that kid a good turn, anyhow,' an' I'd brace up. I remember once wakin' up in the middle o' the night out of a dream. I'd been up in heaven, an' Peter he wouldn't let me pass the gate. 'You're a bad lot, Ruderick,' he says. 'couldn't let you in if you was me own son.' I remember 't I said to him, as well as if I'd said the words out loud: 'Peter,' I says, 'ain't you forgettin' that good mark 't I got for bein' square with that Kid?' an' then I woke up. I'm just tellin' you this, you know, so's you can understand how things was." There was a pause in Ruderick's narrative, and the bolts of the iron door of a place quite another than heaven were shot back to remind us how far from heaven we were. Every one thought that the judge had sent for the men to be sentenced, but it was a false alarm. The turnkey had a letter to deliver to one of the court prisoners, and we separated into groups again, and Ruderick knotted the broken thread of his reminiscences.

"Are you listenin'?" he asked.



"RODERICK AND I WERE SERVING IT OUT THEN AND THERE."

"Sure," I replied. "A man cooped up is interested in everything; if he wasn't he'd go off his head."

He continued:

"About three years after meetin' the Kid I got settled in the pen across the river from this town where we are now. The same judge had hold o' me once before, an' he was hostile an' gave me five years; I guess I'd earned it. The place began to get crowded after I'd been there about a year, an' we had to double up, an' who do you think they gave me for a cell companion? That kid! There he was, with his hair cropped an' the stripes on 'im; I knew him the minute they shoved him into the cell.

"'Kid,' I says, 'this ain't reg'lar; how'd this happen? Did the gov'nor cut up rough?'

"'Ruderick,' he says, 'I never went back to the gov'nor. I done as you tole me an' mooched from the ref—mooched the second week. But they got me again. A farmer 't I went to for breakfast the mornin' after, he sent for the copper at the ref, an' they took me back. The super gave me a lickin' for fair, an' told me 'f I give him the slip again he'd stick me in the dungeon. Well, I seen kids bigger'n me come out o' the dungeon; I ain't a baby, but I couldn't stand for it—I ain't goin' to lie about it. I stayed there a year an' got to be one o' the boss kids o' the shop. An' you know what that means, Ruderick,' he says; 'the kids that ain't bosses look up to you an' think you're a dead fly bloke. They keep crackin' you up as a perfessional, an' after a while you begin think yourself that you're hot stuff. That's the way it went with me, anyhow, and at the end o' the year I didn't think any more about goin' back to the gov'nor. I'd made 'up my mind 't I would be hot stuff an' a perfessional, an' one night another boss kid an' me, we jumped out one o' the windows an' got away. He knew of a place where there was semoleons lyin' loose, an' we went an' got 'em, an' I been hittin' it up that way ever since. He's in here, too. We got pinched for goin' on the dip, an' the judge gave us both three years. I thought they'd put us together, but they didn't. He's in the cigar factory, an' I over in the foundry. Gosh, it's hard work in that foundry, Ruderick. The guard got it in for me, too. He does me every time he gets a chance. I've been in the dungeon twice already.'.

"Well, I don't need to tell you how I felt—that kid 't I'd been bankin' on! I suppose I ought to 'a braced him up again an' talked t' the warden about him an got his gov'nor on his track, but a fellow like me ain't good for two stabs at reformin', an' I done just the opposite. A man's skill aches in him till he gets it out, just like the right words for a thing, an' I trained him to be a perfessional. I didn't do it right away. For nearly six months I kept squeezin' my brains to figure out what I ought to do; but it's a temptation to a fellow like me to have a chance to make a good thief out of a smart kid. I don't know if you've ever been in the same fix yourself, but to me sometimes the temptation to hand on what you know's worse'n whisky. You see, I've always been a crook, an' I can't help figurin' out what I can make of a nervy kid if I get my blinkers on him. 'Course after what I told him three years before in the jail 'bout goin' back to his gov'nor an' bracin' up it seemed eaten' words to give him the steer I did; but I was square with him. One night I told him what I would or wouldn't do, just as he wanted. 'Kid,' I says to him, 'I can put you next, if you like, an' make you a first-class grafter; but you want to make up your mind for keeps whether you want to be one or not." You can't play with the business. You got to forget all about the gov'nor. Once a grafter, you've got to stick to it if you're goin' to succeed.'

"'Ruderick, my gov'nor'll never see me again. I'm a thief, an' he'll feel better thinkin' I've croaked.'

"He meant it' an' for the next ewelve months—he celled with me a year—I done my best to make him a wise one. I don't know if you ever trained a kid or not, but let me tell you that there ain't anythin' nicer in this world than fashionin' a youngster with brains. It's jus' like trainin' a kid o' your own. You watch him gettin' next, day after day, an' you keep sayin' to yourself: 'I'm doin' this. They got to give ME credit for him.' It's discouragin' as the devil when the kid ain't smart, but that kid 't I had was smart as they make 'em. He'd catch on to what I was describin' to him 'fore I'd even finished what I was sayin.' 'I see, I see,' he'd say; an' I could go on to somethin' else.

"What surprised 'im most was the priv'leges a bloke can get in the pen if he knows how. I had 'im out o' the foundry an' in the feather pickin' department—the softest snap in the place—a week after I took hold of him. There was a detective 't had the run o' the place, an' he an' the warden grafted together. The fly cop would find out which pris'ners could raise the stuff to make it interestin' for him to go to the warden an' ask favors for 'em, an' then he an' the warden 'ud divvy. I knew the fly cop from way back an' I worked him without money. He knew 't I was pretty wise, an' he came to me one day an' gave me a straight steer. Says he: 'McKlowd, if you'll put me next to anythin' that you know's goin' on outside I'll stand for something soft here in the pen.' He knew 't I knew the blokes outside an' was likely to be able to tell him what they was doin', an' he wanted to get wise off me. I pretended to take the tip, an' he began showin' me favors. I ain't done such tall lyin' in a tenner as I did to that copper; but he never got on to me. I'd say to him: 'There's goin' to be a safe blown open out in Chicago next month, an' you want to get next.' He'd thank me an' tell the warden to do somethin' for me 't I wanted, and then go gallivantin' all over the shop. 'Course the safe was never blown, but all I had to say was that the crooks had prob'bly got scared off, an' he took it all in.

"I even think that I could 'a' got the kid out o' the pen through that copper. I might 'a' had to put up a little cash to grease things, but the fellow had an all-fired big pull. He knew 'bout the warden's bein' crooked, an' the warden knew 'bout him, an' both had to square each other. See? But I didn't try to spring the kid, jus' kept on trainin' him. You know what he is today. We old uns call him The Michigan Kid; but the coppers all know him as 'the fly Detroit crook.' He ain't been in prison in the last ten years, an' yet he's doin' stunts right along. He's got a block o' houses out in 'Frisco an' owns a big gamblin' joint in Chi—an' I guess he grafts ten thousand every year besides. He's so slick they can't touch him. He shows up in Detroit every now and then, an' they lock him up as a suspicious character if it's circus day or there's some big convention on; but they have to let him go in a few days. There's blokes that call him a freak; they say 't he had luck. That's rot. If all the crooks in this country had that kid's brains they'd be just as successful. I tell you brains count for as much in this business as they do in bankin'. If you ain't got 'em you can't be A No. 1.

"I saw the kid 'bout a year ago over in York, an' he told me 't his gov'nor still had a reward out for any one 't 'ud give him news of his son. He read 'bout it, he said, in a western paper. He asked me if I thought he ought to write to the old man. I told 'im no. 'Kid,' I says, 'you decided 'bout that 'way back when you an' me was in the pen together. You couldn't stay home, if you went there, so why make a bull an' show up at all?' "

"'I hate to make the gov'nor feel bad,' he says.

"'That may be, kid,' I says, 'but you ought to 'a thought that out years back. It's too late now.' He agreed with me."

Once again the bolts of the door not of heaven were shot back, and this time there was no letter to be delivered.

"All ready, boys," the sheriff called; "his honor's waiting on you."

The men and boys were handcuffed together in couples.

"Good luck, fellows!" we cried after them.

And in solemn procession, with the sheriff at the head, they went to their fate. Some of them are still "doin' time," others are again waiting for sentence day, and a few have passed on to that final court from which there is no appeal, and which they dread least of all.

A LITERARY LETTER

BY RICHARD LE GALLIENNE

MRS. GERTRUDE ATHERTON has followed up "The Conqueror" with "A Few of Hamilton's Letters" (Macmillan Co). In her business-like introduction she promises further Hamiltoniana, relating to Hamilton's early days at St. Croix—when certain researches being carried out on her behalf in Copenhagen are completed. Of all the rewards of greatness perhaps that most appealing to the imagination is the power of making conquests after death. "Live so," said Hafiz, "that when thou art dead no one will believe it." And certain great figures of human history have packed so much vivid vitality into their brief span of days that their mere physical death is powerless to stop them. They go on doing their work and compelling our devotion—just as if they had never died. The old phrase is right. They have made themselves—immortal.

Such a figure is Jean d'Arc, for whom Mr. Andrew Lang cherishes a hopeless passion; and if Mr. Swinburne has gone unmarried all these years, is it not because he can never marry—Mary Stuart? Here again is Mrs. Gertrude Atherton raising Hamilton from the dead through sheer imaginative passion. He has captivated her imagination with the romance of his strong brain, as, alive, he was wont to steal the hearts of living women; and, surely, he is to be congratulateed on his latest conquest. If Hamilton cares about resurrection, he has to thank Mrs. Atherton for it. I see a certain New York paper talking contemptuously of Mrs. Atherton having "perpetrated a "semi-biography" of Hamilton—with the airy insolence of the hack paragraph writer, who couldn't "perpetrate" a living sentence to save his neck. Mrs. Atherton has done more than a semi-biography, more even than most entire biographies do; she has neither written nor attempted to write a "life" of Hamilton—she has been content to make him live again.

Till Mrs. Atherton wrote "The Conqueror" Hamilton was practically dead; or, at least, fast asleep—on public monuments. Of course, he "belonged to American history." He was in the school books—if that is to be alive. Turned to stone, he sits outside a club in Brooklyn, on a pedestal of his forgotten sayings. He is in the frame work of the American constitution, as the late Mr. MacAdam is the mainstay of English roads. But, despite of these posthumous manifestations of vitality, I think that it is safe to say that for a million who knew the name of Washington, one knew the name of Hamilton. If a hundred ont of the million know it today, the reason is to be found in "The Conqueror." "Lives" of Hamilton, of course, had been written—it was reserved, I repeat, for Mrs. Atherton to make him really alive to the present generation.

If her methods of doing this needed any justification, they have, first, the supreme justification of success; and, second, the examples of all the historians that any one reads Macaulay, Froude and Carlyle, all hinted at least at an interpretative treatment of history by methods hardly less imaginative than those employed by Mrs. Atherton. The most "painful" historian can never be quite sure of the vral verite of history. As Walter Raleigh found, it is impossible to get a reliable statement of a trifling incident happening just under one's nose. The truth of history is probably in its large outlines, rather than in its constituent minutae. The true historian gives us some idea of the wood—without bewildering us with the trees. I hold, then, that among the many methods of writing history, Mrs. Atherton's method, applied with her realistic respect for facts—as far as they can be known—and her robust common-sense understanding of human nature, while in weaker hands obviously dangerous, is in hers a method most likely to fulfill the most vital purposes of history.

We may illustrate the fallacy of the dusty literalness which often calls itself history, by reference to a matter which she confides to us in her introduction. No reader of "The Conqueror" can fail to remember her description of the great hurricane. No one in our time, except Mr. George Meredith, has "perpetrated" so splendid a piece of descriptive writing. As a piece of realistic impressions in it would demand a place in any anthology of English prose. But poor Mrs. Atherton has to confess to a serious discrepancy. Since she wrote it Hamilton's own account of the hurricane has been discovered, and said to relate, the real hurricane took place at night. "Mine, alas!" says Mrs. Atherton, "began in the early morning, and hailed from the southeast." Hamilton's started "at north," according to Hamilton's account in the Royal Danish American Gazette for Oct. 3, 1772, now reprinted in Mrs. Atherton's appendix. All "serious students of history" will realize that this is a very serious matter, and the "trustworthiness" of Mrs. Atherton's "semi-biography" is obviously much impaired.

Mrs. Atherton, however, has one consolation—she comes out ahead, and with flying colors, in the matter of the description. It is true, as she says, that Hamilton outdoes her by the addition of thunder and lightning and falling meteors. She had thought it likely that the hurricane was accompanied by such phenomena, but had not ventured to assert them as facts, from fear of being accused of exaggeration. Hamilton, too, has "a prevailing smell of gunpowder," which is effective, but for the rest—well, we musn't forget that, marvelous boy as he was, he was but a boy. The most interesting feature of his description in his quaint moralizing on the occurrence. To his brief description he appends several pages of pietistic and philosophic reflection. This is how he begins: "My reflections and feelings on this frightful and melancholy occasion are set forth in following self-discourse. Where now, oh! vile worm, is all thy boasted fortitude and resolution? What is become of thy arrogance and self-sufficiency? Why dost thou tremble and stand aghast? How humble—how helpless—how contemptible you now appear. And for why? The jarring of the elements—the discord of clouds? Oh, impotent, presumptuous fool! How darest thou offend that omnipotence, whose nod alone were sufficient to quell the destruction that hovers over thee, or crsuh thee into atoms?"

Alongside of this the reader should hear with what concise authority a year before this he was giving Captain William Newton his sailing orders and writing business letters for his absent employer to Mr. Tileman Cruger. And this "word of command" directness characterizes all these letters and gives them a personal reality which made it very much worth while to have revived them. How familiar and affectionate a correspondent he could be is shown by his letters to Laurens and his wife. Yes, he who could do most things, could certainly write as well. With Mrs. Atherton we may lament the loss of his love letters. "Not one," she says, "to a woman, but his wife, has ever come to light." Evidently Hamilton cared too much for the other women to keep their letters, or, perhaps, as Mrs. Atherton surmises, he never wrote any; though, as she characteristically adds, "his annual receipts must have been heavy."

THE AFFLUENT AGRICULTURIST.

(Washington Star.)

"Why do they always portray the farmer as purchasing gold bricks?"

"That's easy explained," answered Mr. Corntossel; "the farmer's the feller that's got the cash these days; the other people is hustlin' to get some of it by any trick they can fix up."

HADN'T HEARD OF THE STIKE YET.

(Chicago Tribune.)

St. Louis Man—You have to pay $14 a ton for coal? We can get it in our town for $10.

Kansas City Man—Huh! The people in your town haven't heard yet that there's been a coal strike.